

1 The Honorable Ronald B. Leighton  
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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT TACOMA**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 DONALD TRUMP, in his official capacity as  
14 President of the United States of America; ERIC D. HARGAN, in his official capacity as  
15 Acting Secretary of Health and Human Services; U.S DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, in his official capacity as Secretary of the Treasury, U.S. DEPARTMENT OF TREASURY; R. ALEXANDER ACOSTA, in his official capacity as Secretary of Labor; and UNITED STATES DEPARTMENT OF LABOR,

16 Defendants.

17 No. 2:17-cv-01510-RBL

18 **DEFENDANTS' NOTICE TO WITHDRAW PENDING MOTION**

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2 Pursuant to LCR 7(l), defendants hereby withdraw their pending motion to dismiss or  
3 for summary judgment (ECF No. 15). On January 2, 2018, plaintiff filed a First Amended  
4 Complaint (ECF No. 45). As defendants' forthcoming response to plaintiff's First Amended  
5 Complaint, defendants intend to file a motion to dismiss for lack of jurisdiction pursuant to  
6 Fed. R. Civ. P. 12(b)(1) or for summary judgment. This motion will supplant defendants'  
7 motion to dismiss plaintiff's original Complaint in its entirety.

8 DATED: January 4, 2018

9 Respectfully submitted,

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18 /s/ Elizabeth L. Kade  
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